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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 62/116, summarizes the reports that have been submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara from 1 July 2007 to 30 June 2008.

* A/63/50.

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1. On 17 December 2007, the General Assembly adopted, without a vote, resolution 62/116 on the question of Western Sahara. The Secretary-General, in close cooperation with the Chairperson of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, covering the period from 1 July 2007 to 30 June 2008, is submitted in accordance with paragraph 7 of resolution 62/116.

2. Pursuant to Security Council resolution 1754 (2007), the Secretary-General submitted a report dated 19 October 2007 (S/2007/619) to the Security Council on the situation concerning Western Sahara. In that report, the Secretary-General informed the Council that the parties, Morocco and the Frente Polisario, had participated in a second round of talks on 10 and 11 August 2007. Algeria and Mauritania also attended, as neighbouring countries. The meeting had included an exchange of views with regard to the implementation of resolution 1754 (2007), presentations by United Nations experts, and discussions on subjects related to natural resources and local administration. During the meeting, the parties agreed to a communiqué of the Secretary-General's Personal Envoy, in which they acknowledged that the current status quo was unacceptable and that they were committed to continuing the negotiations in good faith. As for maintenance of the ceasefire, the Secretary-General informed the Council that the overall situation in the area of responsibility of the United Nations Mission for the Referendum in Western Sahara (MINURSO) remained generally calm. Violations of military agreement No. 1 by both parties remained at the same level as in the previous reporting period. In addition, MINURSO continued to observe long-standing violations by both parties; since the start of the Mission's mandate, both parties had imposed restrictions on the freedom of movement of the MINURSO military observers. With regard to humanitarian activities and efforts led by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme, the Secretary-General stated that the food pipeline remained fragile and that the absence of secure food stocks since October 2006 continued to be a major concern. In his observations and recommendations, the Secretary-General agreed with his Personal Envoy's assessment that the launch of the process of negotiations was a cause for satisfaction. However, he recommended that the Security Council reiterate its call upon the parties to enter into genuine negotiations, thus ensuring a more substantial implementation of resolution 1754 (2007).

3. On 31 October 2007, the Security Council adopted resolution 1783 (2007), having considered the report of the Secretary-General of 19 October 2007 (S/2007/619). In that resolution, the Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations. It also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council also decided to extend the mandate of MINURSO until 30 April 2008.

4. Pursuant to Security Council resolution 1783 (2007), the Secretary-General submitted to the Council a report dated 25 January 2008 on the status and progress of the negotiations on Western Sahara (S/2008/45). In that report, the Secretary-General informed the Council that the parties had participated from 7 to 9 January 2008 in a third round of negotiations facilitated by his Personal Envoy. During the discussions, the parties had reiterated their commitment to the process of negotiations. Nevertheless, their stated positions remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The parties had also engaged in an extensive exchange of views with regard to the implementation of resolutions 1754 (2007) and 1783 (2007). In addition, the matter of confidence-building measures was included on the agenda in order to obtain greater clarity as to the positions of the parties on existing or additional confidence-building measures, as well as on the appropriate forum for discussing such measures. The parties also participated in discussions on thematic subjects related to administration, competences and organs. At the end of the meeting, the parties agreed to a communiqué of the Secretary-General's Personal Envoy, in which it was acknowledged that the parties had continued to express strong differences on the fundamental questions at stake. At the same time, the parties reiterated their commitment to show political will and negotiate in good faith, as called for by the Security Council, and agreed on the need to move the process into a more intensive and substantive phase of negotiations.

5. Pursuant to Security Council resolution 1783 (2007), the Secretary-General submitted a report dated 14 April 2008 to the Security Council (S/2008/251). In that report, the Secretary-General informed the Council that his Personal Envoy had undertaken a visit to the region from 5 to 15 February for in-depth consultations on ways to move the process of negotiations into a more intensive and substantive phase. The Secretary-General also informed the Council that the parties had participated, from 16 to 18 March 2008, in the fourth round of negotiations. Algeria and Mauritania attended as neighbouring countries. During the discussions, the parties had reiterated their commitment to the process of negotiations. During the meeting, the parties engaged in a broad exchange of views on the implementation of resolutions 1754 (2007) and 1783 (2007), and to the exercise of the principle of self-determination. In addition, the parties participated in discussions on thematic subjects related to administration, competencies and organs, as well as to justice, and to resources. The parties were also invited to consider strengthening and expanding the existing programme of confidence-building measures. In this regard, the delegation of the Frente Polisario replied that it accepted all proposals made by the Personal Envoy, without exception. The parties finally agreed to explore the establishment of family visits by land, in addition to the existing programme by air. Matters with regard to respect for human rights in the Territory as well as in the refugee camps in the Tindouf area were also raised by the parties. In concluding the meeting, the parties agreed to a communiqué of the Personal Envoy and reiterated their commitment to continue the negotiations at a date to be determined by common agreement.

6. With regard to the ceasefire, the Secretary-General informed the Council that the overall situation in the area of responsibility remained generally calm. MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the armed forces of the Frente Polisario. However, both sides continued to

abstain from dealing directly with each other. Furthermore, both parties continued to extend their cooperation to MINURSO in the marking and disposal of mines, unexploded ordnance and expired ammunition.

7. With regard to confidence-building measures, the Secretary-General stated that the UNHCR-led programme of exchange of family visits continued to be successfully implemented in close coordination with MINURSO. The free-of-charge telephone service between the refugee camps near Tindouf and the Territory was operating successfully. UNHCR, with support from MINURSO, had also procured the equipment necessary for the installation of a fifth telephone centre, in Dakhla camp, some 180 kilometres from Tindouf, and was negotiating with the Government of Algeria to secure permission to import the equipment into Algeria. The Secretary-General regretted that the first seminar under the confidence-building programme, to be held in November 2007 in Madeira, Portugal, had been cancelled following Morocco's notification to UNHCR that it was not in a position to accept either the principle or the opportuneness of the seminar. The Secretary-General pointed out that the confidence-building measures programme was the one area in which visible progress had been achieved between the parties recently, that it had the potential to build trust and to help break out of the impasse in other areas, and that it directly affected the quality of life of Western Saharans on a very human level. Therefore, he called upon the international community to demonstrate its support for the continuation of the programme and strongly urged the donor community to contribute generously to the programme.

8. As for human rights, international non-governmental organizations concerned with human rights and other sources had reported the alleged harassment and arrest of Western Saharan human rights and political activists, and pointed to incidents where the rights to freedom of expression, association and assembly appeared to have been compromised by Moroccan authorities in the Territory. In addition, Moroccan media sources expressed concerns about alleged human rights abuses in the Western Saharan camps near Tindouf and highlighted the allegedly deteriorating human rights and humanitarian situation of Western Saharan refugees in the camps.

9. In his observations and recommendations, the Secretary-General welcomed the parties' commitment to continue the process of negotiations but concurred with his Personal Envoy that the momentum could only be maintained by trying to find a way out of the current political impasse through realism and a spirit of compromise from both parties.

10. After consideration of the report of the Secretary-General of 14 April 2008 (S/2008/251), the Security Council adopted resolution 1813 (2008) on 30 April 2008. The Council endorsed the recommendation in the report that realism and a spirit of compromise by the parties were essential to maintain the momentum of the process of negotiations. The Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007) and 1783 (2007) and the success of negotiations; and affirmed its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara. The Council went on to call upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with

a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2009.